SENATE JOURNAL EIGHTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

Roll Call- All Senators present except Senators Spencer and Wright, excused.

Prayer Richard Strong, Former Director, Office of Legislative Research and General Counsel

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 19, 2001

The House passed **H.B. 15**, BICYCLE LAW AMENDMENTS, by Representative M. Dillree, and it is transmitted for consideration.

The House passed **H.B. 41**, FIRE PREVENTION AMENDMENTS, by Representative K. Bryson, and it is transmitted for consideration.

The House passed **H.B. 63**, OFF-HIGHWAY VEHICLE REGISTRATION AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration.

The House passed, as amended, **H.B. 191**, LIQUOR PACKAGE AGENCY CONTRACTS, by Representative M. Styler, and it is transmitted for consideration.

The House passed, as amended, **H.B. 195**, DEPARTMENT OF HEALTH - FEE PROCESS, by Representative K. Garn, and it is transmitted for consideration.

The House passed, as amended, **H.B. 205**, EMPLOYERS' REINSURANCE FUND SPECIAL ASSESSMENT, by Representative G. Adair, and it is transmitted for consideration.

The House passed **H.B. 206**, COUNTIES ACCUMULATION OF RETAINED EARNINGS, by Representative T. Hatch, and it is transmitted for consideration.

The House passed, as amended, **H.B. 212**, MUSEUM EDUCATIONAL INITIATIVE, by Representative W. Harper, and it is transmitted for consideration.

The House passed **H.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF DIRECTOR, by Representative K. Garn, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 15, H.B. 41, H.B. 63, H.B. 191, H.B. 195, H.B. 205, H.B. 206, H.B. 212, and H.J.R. 3 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 19, 2001

The Rules Committee recommends assignment of the following bills to standing committees:

Human Services

H.B. 204 Olene Walker Housing Trust Fund Appropriation

(W. Harper)

Judiciary

S.B. 115 Safe Schools Amendments (B. Wright)

Revenue & Taxation

S.B. 34 Individual Income Tax Relief for Low-income

Individuals and Related State Tax Commission

Amendments (L. Hillyard)

S.B. 106 Municipal Bond Secured Transactions (L. Hillyard)

State & Local Affairs

S.B. 47 Ballot Requirements on Legislative and Initiative

Proposals (M. Peterson)

Transportation & Public Safety

S.B. 122 Motor Vehicle Insurance Amendments (M. Waddoups)

Michael Waddoups Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

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The Rules Committee recommends the assignment of the following Senate Resolution to the second reading calendar:

S.J.R. 5 Resolution Recognizing Contributions of Richard V. Strong (A. Mansell)

Report filed. On motion of Senator Waddoups, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

January 19, 2001

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 90**, VETERANS MEMORIALS ERECTED AND MAINTAINED BY COUNTIES, by Senator G. Davis; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 98**, LOCATING TELECOMMUNICATIONS FACILITIES, by Senator R. Allen; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 16**, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS - ENVIRONMENTAL QUALITY, by Representative R. Siddoway; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 17**, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS - NATURAL RESOURCES, by Representative R. Siddoway.

Terry R. Spencer, Chair; and

Mr. President:

January 19, 2001

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 48**, PASSENGER LIMITATIONS FOR YOUNG DRIVERS, by Senator K. Hale, with the following amendments:

1. Page 1, Line 20: Delete "17" and insert "18"

On motion of Senator Steele, the committee reports were adopted. **S.B. 90**, **S.B. 98**, **H.B. 16**, **H.B. 17**, and **S.B. 48** were placed on Second Reading Calendar.

Mr. President:

January 19, 2001

The Judiciary Committee reports a favorable recommendation on **H.B. 5**, SERIOUS HABITUAL OFFENDER COMPREHENSIVE ACTION PROGRAM AMENDMENT, by Representative D. Bowman, and recommends it be considered read for the second time and placed on the Consent Calendar.

On motion of Senator Gladwell, the committee reports were adopted. **H.B. 5** was read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

FIREFIGHTER RETIREMENT AMENDMENTS

S.B. 131 Gene Davis

THIS ACT MODIFIES THE RETIREMENT CODE BY CREATING A DEFERRED COMPENSATION BENEFIT FOR MEMBERS OF THE FIREFIGHTERS' RETIREMENT SYSTEM. THIS ACT TAKES EFFECT ON JULY 1, 2001, was read for the first time and referred to the Rules Committee.

VETERINARY PRACTICE ACT AMENDMENTS

S.B. 132 Bill Wright

THIS ACT MODIFIES THE VETERINARY PRACTICE ACT. THIS ACT PROVIDES A LIMITED EXEMPTION FROM LICENSING UNDER THE VETERINARY PRACTICE ACT FOR CHIROPRACTIC PHYSICIANS, PHYSICAL THERAPISTS, AND MASSAGE THERAPISTS WHO PROVIDE CERTAIN TREATMENT AND MEET SPECIFIED TRAINING REQUIREMENTS, was read for the first time and referred to the Rules Committee.

AGE DISCRIMINATION IN EMPLOYMENT

S.B. 133 *Ed P. Mayne*

THIS ACT MODIFIES THE UTAH ANTIDISCRIMINATION ACT TO CLARIFY THAT A PERSON EMPLOYING EIGHT OR MORE EMPLOYEES MAY NOT DISCRIMINATE ON THE BASIS OF AGE, was read for the first time and referred to the Rules Committee.

PROTECTIVE ORDER AMENDMENTS

S.B. 134 Terry R. Spencer

THIS ACT MODIFIES PROVISIONS REGARDING PROTECTIVE ORDERS TO ALLOW EITHER PARTY TO A HEARING TO OBJECT TO AN

ORDER RECOMMENDED BY A COMMISSIONER AND HAVE THE MATTER HEARD BY A JUDGE, was read for the first time and referred to the Rules Committee.

PROVIDING FOR SELECTIVE SERVICE REGISTRATION

S.B. 135 L. Steven Poulton

THIS ACT MODIFIES THE DRIVER LICENSING ACT BY REQUIRING THAT SPECIFIC INFORMATION FROM THE APPLICATION FOR A DRIVER LICENSE OR IDENTIFICATION CARD BE FORWARDED TO THE SELECTIVE SERVICE SYSTEM FOR REGISTRATION AS REQUIRED BY FEDERAL LAW. THE ACT ALSO SPECIFIES THAT REFUSAL WILL RESULT IN THE DENIAL OF THE LICENSE OR CARD, was read for the first time and referred to the Rules Committee.

PARENTING PLAN FOR DIVORCING PARENTS

S.B. 136 Lyle W. Hillyard

THIS ACT MODIFIES THE JOINT CUSTODY PROVISIONS TO REQUIRE THAT A PARENTING PLAN BE PROVIDED BY PARENTS REQUESTING JOINT CUSTODY OF MINOR CHILDREN. THE ACT DEFINES A PARENTING PLAN, PROVIDES OBJECTIVES, AND PRESCRIBES REQUIREMENTS FOR FILING A PARENTING PLAN. IT ALSO REQUIRES THE DESIGNATION OF A DISPUTE RESOLUTION PROCESS FOR ANY BREAKDOWN OF THE AGREEMENT, was read for the first time and referred to the Rules Committee.

RESOLUTION URGING REQUIREMENT OF BOND TO SUE AN ATTORNEY

S.R. 3 Terry R. Spencer

THIS RESOLUTION OF THE SENATE URGES THE UTAH SUPREME COURT AND THE UTAH STATE BAR TO REQUIRE PERSONS FILING A COMPLAINT AGAINST AN ATTORNEY TO POST A BOND, was read for the first time and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 12, TRAFFIC MANAGEMENT COMMITTEE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Spencer Wright

S.B. 12 was transmitted to the House.

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S.B. 31, AREA HEALTH EDUCATION CENTER AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Suazo	Waddoups	Walker
Mansell		•	

Voting in the negative were: Senators

Stephenson Valentine

Absent or not voting were: Senators

Spencer Wright

S.B. 31 was transmitted to the House.

* * *

S.B. 40, PENALTY FOR USE OF DYED DIESEL, was read the third time, explained by Senator Eastman, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		•

Absent or not voting were: Senators

Blackham Spencer Wright

S.B. 40 was transmitted to the House.

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On motion of Senator Suazo, the circle was removed from **S.B.25**, ATHLETIC COMMISSION RESPONSIBILITIES, and it was before the Senate.

On motion of Senator Suazo, the following substitute bill replaced the original bill.

UTAH PROFESSIONAL ATHLETIC COMMISSION ACT

Sub. S.B. 25 *P. Suazo*

THIS ACT MODIFIES THE UTAH PROFESSIONAL BOXING REGULATION ACT BY REPEALING THE CURRENT ACT AND REPLACING IT WITH THE UTAH PROFESSIONAL ATHLETIC COMMISSION ACT. THIS ACT REMOVES THE REGULATION OF BOXING AND UNARMED COMBAT FROM THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING AND CREATES AN INDEPENDENT UTAH PROFESSIONAL ATHLETIC COMMISSION WITHIN THE DEPARTMENT OF COMMERCE. THE ACT PROVIDES FOR THE LICENSURE OF PROMOTERS, MANAGERS, SECONDS, CONTESTANTS, JUDGES, AND REFEREES. THE ACT GRANTS RULEMAKING AUTHORITY TO THE UTAH PROFESSIONAL ATHLETIC COMMISSION TO GOVERN UNARMED COMBAT. THE ACT PROHIBITS ULTIMATE FIGHTING. THE ACT AUTHORIZES THE HIRING OF A DIRECTOR OF THE UTAH PROFESSIONAL ATHLETIC COMMISSION. THE ACT LEVIES FEES ON TICKET PROCEEDS AND BROADCAST REVENUES FROM CONTESTS. THE ACT PROVIDES FOR FUNDING OF AMATEUR BOXING WITHIN THE STATE. THIS ACT PROVIDES AN EFFECTIVE DATE.

On motion of Senator Suazo, the bill was circled.

* * *

S.B. 99, REVISOR'S STATUTE, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mancall		•	

Mansell

Absent or not voting were: Senators

Blackham Buttars Spencer Wright

S.B. 99 was transmitted to the House.

* * *

H.J.R. 1, JOINT RULES RESOLUTION - AMENDMENTS TO PROCESSES, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mancall		•	

Mansell

Absent or not voting were: Senators

Blackham Buttars Spencer Wright

H.J.R. 1 was signed by the President of the Senate in open session and returned to the House.

* * *

S.B. 16, TEACHER QUALITY AMENDMENTS, was read the third time.

On motion of Senator Steele, the bill was circled.

* * *

S.B. 4, PROHIBITION OF INTIMACY WITH PERSON IN CUSTODY, was read the third time, explained by Senator Julander, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Spencer Wright

S.B. 4 was transmitted to the House.

SECOND READING CALENDAR

S.B. 11, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS - DRIVERS LICENSE, was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		-

Absent or not voting were: Senators

Davis	Spencer	Wright

* * *

S.B. 38, HIGHWAY AUTHORITY WINTER ROAD CLOSURE AUTHORITY, was read the second time. Senator Hellewell explained the bill. Senators Mansell, Hickman, and Steele commented. The bill failed on the following roll call:

Yeas, 13; Nays, 14; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Gladwell	Hale
Hellewell	Hillyard	Julander	Knudson
Peterson	Poulton	Suazo	Waddoups
Mansell			_

Voting in the negative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Hickman
Jenkins	Mayne	Steele	Stephenson
Valentine	Walker		-

Absent or not voting were: Senators

Wright Spencer

* * *

Sub. S.B. 97, SPECIAL NEEDS ADOPTION SERVICES, was read the second time.

On motion of Senator Hillyard, the bill was amended as follows:

- 1. Page 4, Line 96-97: After "who" delete ":" and all of line 97
- 2. Page 4, Line 98: Delete "(2)" and after "need" insert "and who qualifies under state and federal law"

Senators Buttars and Ed Allen commented.

On motion of Senator Hillyard, Robin Arnold-Williams, Executive Director, Department of Human Services, spoke in Committee of the Whole. Senator Ed Allen, Valentine, Buttars, Davis, Poulton, and Mayne commented.

On motion of Senator Hillyard, the Committee of the Whole was dissolved On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Valentine, the Senate voted to reconsider its action on **S.B. 17**. Motion passed and the bill returned to the bottom of the Second Reading Calendar.

INTRODUCTION OF BILLS

PROCUREMENT CODE REQUIREMENT OF HEALTH CARE BENEFITS

S.B. 137 *Ed P. Mayne*

THIS ACT MODIFIES THE UTAH PROCUREMENT CODE BY REQUIRING CERTAIN BUSINESSES TO PROVIDE QUALIFIED HEALTH INSURANCE COVERAGE TO EMPLOYEES AS A CONDITION FOR CONTRACTING WITH THE STATE UNDER CERTAIN CIRCUMSTANCES, was read for the first time and referred to the Rules Committee.

MINIMUM WAGE APPLICABILITY

S.B. 138

Howard A. Stephenson

THIS ACT MODIFIES THE UTAH MINIMUM WAGE ACT TO PROHIBIT CITIES, TOWNS, AND COUNTIES FROM ESTABLISHING A MINIMUM WAGE RATE THAT EXCEEDS THE FEDERAL MINIMUM WAGE RATE. THE ACT PROHIBITS CITIES, TOWNS, AND COUNTIES FROM REQUIRING THAT A PERSON CONTRACTING WITH THE CITY, TOWN, OR COUNTY PAY ITS EMPLOYEES A MINIMUM WAGE THAT EXCEEDS THE FEDERAL MINIMUM WAGE, was read for the first time and referred to the Rules Committee.

NONPROFIT CORPORATION ACT AMENDMENTS

S.B. 139

Lyle W. Hillyard

THIS ACT MODIFIES THE UTAH REVISED NONPROFIT CORPORATION ACT. THE ACT MAKES VARIOUS TECHNICAL CHANGES. THE ACT AMENDS PROVISIONS RELATING TO BALLOTS. THE ACT AMENDS PROVISIONS RELATING TO VOTING ON

Day 8

DIRECTORS. THE ACT AMENDS PROVISIONS RELATING TO THE REMOVAL OF DIRECTORS. THE ACT AMENDS PROVISIONS RELATING TO CONFLICT OF INTEREST TRANSACTIONS. THE ACT ADDS A SEVERABILITY CLAUSE, was read for the first time and referred to the Rules Committee.

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CULTURAL AND LINGUISTIC COMPETENCY IN HEALTH CARE TASK FORCE

S.B. 140 *Pete Suazo*

THIS ACT CREATES THE CULTURAL LINGUISTIC COMPETENCY IN HEALTH CARE TASK FORCE. THE ACT SPECIFIES MEMBERSHIP, RESPONSIBILITIES, PROCEDURES, AND REPORTING DATES FOR THE TASK FORCE. THE ACT APPROPRIATES \$39,500 FROM THE GENERAL FUND FOR FISCAL YEAR 2000-01 AND \$39,000 FROM THE GENERAL FUND FOR FISCAL YEAR 2001-02 TO FUND THE TASK FORCE. THE TASK FORCE IS REPEALED ON NOVEMBER 30, 2002, was read for the first time and referred to the Rules Committee.

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On motion of Senator Poulton and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 23, 2001.

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